

## **REMARKS**

### **I. Restriction Requirement**

The Office Action states that the present claims comprise three independent inventions as follows:

Group	Claims	Drawn to
I	28-36	a composition of a source of alkaline phosphatase.
II	37	an inhalation device.
III	38-54	a method of reducing LPS toxicity.

The Office's basis for restricting Groups I-III is that they allegedly do not relate to a single general inventive concept (PCT Rule 13.1) because they lack the same or corresponding special technical features (PCT Rule 13.2), for the reasons stated below.

The common technical feature is allegedly a source of alkaline phosphatase suitable for delivery. U.S. Patent 6,290,952 to Poelstra *et al.* entitled "Method of Dephosphorylating an Endotoxin in vivo with Alkaline Phosphatase" is said to teach (at column 14) a number of derivatives of AP as pharmaceutical compositions with a vehicle or carrier. Therefor the common technical feature is not a contribution to the art.

### **II. Applicants' Election**

Applicants elect, without traverse, Group III, claims 38-54. Each of these claims encompasses the elected invention. Claims 28-37 are withdrawn from consideration.

### **III. Amendments to the Claims**

The claims of the non-elected Groups (28-37) are identified as being withdrawn. Claim 38 is amended by conversion to independent form by incorporating the language of withdrawn composition claim 28 from which it was formerly dependent. Withdrawn claim 37 is amended to correct a clerical error in its dependency.

These amendments do not introduce new matter.

**IV. CONCLUSION**

Applicants respectfully request entry of the foregoing election and amendments. The application is now in condition for Examination on the merits and allowance.

Respectfully submitted,  
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